

MICHAEL FARRINGTON,	:	NO.: 2:17-CV-05826-GEKP
Plaintiff	:	
	:	
	:	CIVIL ACTION – LAW
v.	:	
	:	JUDGE GENE E.K. PRATTER
COUNTY OF BUCKS, PA; BUCKS	:	
COUNTY CORRECTIONAL FACILITY;	:	
UNKNOWN CORRECTIONAL OFFICER	:	<i>Electronically Filed</i>
OF BUCKS COUNTY JAIL SYSTEM;	:	
PRIMECARE MEDICAL, INC;	:	
VICTORIA GESSNER, M.D.;	:	
KEN WIOCZEWSKI, D.O.;	:	
BRITTANIE GRADINETTE, PA-C;	:	
UNKNOWN MEDICAL PROVIDERS	:	
EMPLOYED BY PRIMECARE MEDICAL,	:	
INC.; DOYLESTOWN HOSPITAL, INC.;	:	
THOMAS P. DIENNA, D.O.; and	:	
UNKNOWN MEDICAL PROVIDERS OF	:	
DOYLESTOWN HOSPITAL, INC.;	:	
Defendants	:	JURY TRIAL DEMANDED

AND NOW, this _____ day of _____, 20__, upon consideration of Plaintiff's Motion to Compel Payment of Settlement Funds (Doc. 40) and the Response of PrimeCare Medical, Inc., said Motion is hereby **DENIED**.

J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL FARRINGTON,	:	NO.: 2:17-CV-05826-GEKP
Plaintiff	:	
	:	
v.	:	CIVIL ACTION – LAW
	:	
	:	JUDGE GENE E.K. PRATTER
COUNTY OF BUCKS, PA; BUCKS	:	
COUNTY CORRECTIONAL FACILITY;	:	
UNKNOWN CORRECTIONAL OFFICER	:	<i>Electronically Filed</i>
OF BUCKS COUNTY JAIL SYSTEM;	:	
PRIMECARE MEDICAL, INC;	:	
VICTORIA GESSNER, M.D.;	:	
KEN WIOCZEWSKI, D.O.;	:	
BRITTANIE GRADINETTE, PA-C;	:	
UNKNOWN MEDICAL PROVIDERS	:	
EMPLOYED BY PRIMECARE MEDICAL,	:	
INC.; DOYLESTOWN HOSPITAL, INC.;	:	
THOMAS P. DIENNA, D.O.; and	:	
UNKNOWN MEDICAL PROVIDERS OF	:	
DOYLESTOWN HOSPITAL, INC.;	:	
Defendants	:	JURY TRIAL DEMANDED

**RESPONSE TO PLAINTIFF’S MOTION TO COMPEL
PAYMENT OF SETTLEMENT FUNDS**

AND NOW, comes PrimeCare Medical, Inc., by and through its counsel, Marshall Dennehey Warner Coleman & Goggin, who files this response to Plaintiff’s Motion to Compel Payment of Settlement Funds (Doc. 70) by respectfully stating the following:

1. Admitted. By way of further answer, the settlement draft will be available to Plaintiff’s counsel no later than December 27, 2019.
2. Admitted.

3. Admitted in part; denied in part. It is admitted that Plaintiff accurately quotes from Pa.R.C.P. 229.1(c). It is denied that the Pennsylvania Rules of Civil Procedure apply to this federal cause of action.

4. Admitted.

5. Admitted.

5. (sic) Admitted in part; denied in part. It is admitted that Plaintiff quotes from Pa.R.C.P. 229.1(c). It is denied that the Pennsylvania Rules of Civil Procedure apply to this federal cause of action.

6. Admitted in part; denied in part. It is admitted that Plaintiff accurately quotes from Pa.R.C.P. 126. It is denied that the Pennsylvania Rules of Civil Procedure apply to the present matter.

7. Denied. The averments contained in this paragraph contain conclusions of law and fact to which no response is required. If a response is deemed required, the averments contained herein are denied.

8. Denied. The averments contained in this paragraph contain conclusions of law and fact to which no response is required. If a response is deemed required, the averments contained herein are denied.

9. Admitted. By way of further answer, the settlement draft will be available to Plaintiff's counsel no later than December 27, 2019.

10. Admitted in part; denied in part. It is admitted that Plaintiff accurately quotes from Pa.R.C.P. 229.1(e). It is denied that the Pennsylvania Rules of Civil Procedure apply to this federal cause of action. By way of further answer, there has been no bad faith on the part of

Defendant. Moreover, the settlement draft will be available to Plaintiff's counsel no later than December 27, 2019.

11. Denied. The averments contained in this paragraph contain conclusions of law and fact to which no response is required. If a response is deemed required, the averments contained herein are denied. By way of further answer, there has been no bad faith on the part of Defendant. Moreover, the settlement draft will be available to Plaintiff's counsel no later than December 27, 2019.

12. Denied. The averments contained in this paragraph contain conclusions of law and fact to which no response is required. If a response is deemed required, the averments contained herein are denied.

13. Denied. The averments contained in this paragraph contain conclusions of law and fact to which no response is required. If a response is deemed required, the averments contained herein are denied.

WHEREFORE, PrimeCare Medical, Inc. respectfully requests that this Honorable Court deny Plaintiff's Motion to Compel.

Respectfully submitted,

MARSHALL DENNEHEY WARNER COLEMAN &
GOGGIN

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Date: December 18, 2019

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 18th day of December, 2019, the foregoing *Response to Plaintiff's Motion to Compel Payment of Settlement Funds* was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following, which service satisfies the requirements of the Federal Rules of Civil Procedure:

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& GOGGIN

By: /s/ John R. Ninosky,
John R. Ninosky